

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

BRIAN CARPENTER (01)

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DOCKET NO. 3:19-CR-00452-X

DEFENDANT’S SECOND OPPOSED MOTION TO EXTEND REPORT DATE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, Brian Carpenter, by and through his undersigned counsel, and respectfully submits this Opposed Second Motion to Extend Report Date, and in support thereof would show the Court as follows:

On December 4, 2024, the Court sentenced the Defendant to a term of 45 months BOP incarceration and ordered that he self-surrender to begin serving said sentence on February 24, 2025. See Minute Entry (Dkt. No. 243). Upon review of the defendant’s motion to extend reporting date to April 25, 2025, this Court granted relief in part and extended Dr. Carpenter’s reporting date to March 24th (Dkt. No 287). Unfortunately, in the last 30 days, the defendant’s conditions have worsened with urgencies that need to be addressed.

On February 13, 2025, Dr. Carpenter had a neuroradiology appointment with Dr. Lee Pride, during which his latest CT and MRI images showed decreased blood flow in his brain. Shortly thereafter on February 17, 2025, Dr. Pride performed an urgent surgical procedure, but was unable to treat the issue through inserting an additional stent. In the expectation that another brain surgery would be necessary to reach and resolve the blockage, the Dr. Pride contacted Dr. Babu Welch, Dr. Carpenter’s neurosurgeon who performed his brain surgery in May 2024. After the recent attempted surgery, and a further more refined diagnosis from Dr.

Pride, Dr. Carpenter quickly moved for a 60-day extension of his reporting date. The government opposed this request in full. The district court granted a 30-day extension of Dr. Carpenter's reporting date to March 24, 2025 in order to "stabiliz[e] Carpenter's blood flow issue," (Dkt. No. 287). As a result, Dr. Carpenter is scheduled to report to prison in a matter of days.

As a follow-up to the February 17 surgery, on March 3, 2025, Dr. Carpenter had a CT angiography (a CT scan with injection of dye to produce pictures of blood vessels) and a perfusion (an imaging test that shows how well blood flows through the heart). On March 13, Dr. Welch reviewed Dr. Carpenter's scans and concluded that this issue would need to be addressed soon. Dr. Carpenter has an appointment with Dr. Welch scheduled for April 8, 2025.

Dr. Carpenter also sought a second opinion regarding next steps related to the blood flow in his brain. The primary risks with lack of blood flow to the brain are stroke and/or blindness. On February 26, 2025, Dr. Carpenter saw a number of specialists at MD Anderson Cancer Center, including Dr. Moran Amit, a head and neck surgical oncologist. Dr. Amit formulated a treatment plan for a complex free-flap reconstruction surgery that involves multiple specialists at MD Anderson. This procedure involves removing scar tissue from the head and neck and transferring tissue (including skin, muscle, and bone) from one part of the body to the head and neck area to rebuild areas damaged by cancer or its treatment. Dr. Carpenter is booked to see several surgical team specialists to determine whether a complex free-flap reconstruction is deemed the most advisable solution diminishing blood flow to the brain and optic nerve.

In fact, just yesterday, March 19, 2025, Dr. Carpenter saw Dr Stephen Chen MD, an associate Professor, Department of Interventional Radiology, Division of Diagnostic Imaging at

MD Anderson.¹ Today, he is seeing Mary Catherine Rincone, a Clinical Audiologist at MD Anderson Cancer Center.

During the week commencing April 1st, Dr. Carpenter has a series of preoperative tests and consultations: (1) a CTA scan with and without contrast on April 1; (2) a Cardiopulmonary Center assessment with a series of tests to ensure that his pacemaker is sound enough to withstand major surgery; (3) on the 2nd of April, Dr. Carpenter is scheduled to see (i) Dr. Matthew Hanasono, a Professor and Reconstructive Microsurgery Fellowship Program Director in the Department of Plastic Surgery at MD Anderson Cancer Center to set up surgery for the free flap and (ii) Christopher Young, MD PhD, an assistant professor in the Department of Neurosurgery who specializes in conditions affecting blood vessels in the brain and spine for evaluation and a bypass graft surgery. The following day he is scheduled to see Dr. Marc-Elie Nader who is an Associate Professor of Otolaryngology and Neurotology in the Department of Head and Neck Surgery. The complex free-flap reconstruction surgery at MD Anderson would be in lieu of any surgery by Dr. Welch as the specialists at MD Anderson believe that the free-flap procedure is necessary to remove the problematic scar tissue. .

It is anticipated that the complexity of this surgery would entail a team of at least four surgeons and specialists in the operating theater for a period not less than eight hours and upwards to 12 hours. The cost of the procedure would be borne by the Defendant's private insurance, not the United State Bureau of Prisons (if incarcerated). It is estimated to exceed \$150,000.

¹ Dr. Chen's notes from yesterday's visit were received today at about noon. The Assessment/Plan section is included as Exhibit 1 to this motion. Dr. Chen recommends re-bypass or, if contraindicated by Dr. Young, a recanalization procedure that involves substantial risks.

As these appointments with both Dr. Welch and MD Anderson postdate Dr. Carpenter's reporting date, it is unclear how the BOP will proceed. Dr. Carpenter's counsel has reached out to the BOP to determine whether these appointments will need to be canceled or whether there can be some accommodation for Dr. Carpenter. The BOP has been nonresponsive. It is our understanding that the BOP staff will have to escort Dr. Carpenter to any outside appointments--an obligation for which they have insufficient human resources. In addition, the severely understaffed BOP may not be able to see Dr. Carpenter until after the date for these crucial appointments may have passed.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, for each of the reasons set forth above, the Defendant respectfully requests that the instant Second Motion to Extend Report Date be, in all things, GRANTED, and that the Court permit the Defendant to self-surrender to begin serving his sentence on May 5, 2025. If for some unforeseen reason surgery becomes contraindicated upon the opinion of the surgical care team, the defendant, through counsel, will seek from the Court a short-fused reporting date order.

Respectfully submitted,

/s/ Robert L. Webster

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**COUNSEL FOR DEFENDANT
CARPENTER**

CERTIFICATE OF CONFERENCE

I hereby certify that on March 19, 2025, counsel for the Defendant has conferred with counsel for the Government, DOJ Trial Attorney Brynn Schiess, regarding the foregoing Motion and that she is opposed to the relief requested herein.

/s/ Robert L. Webster
ROBERT L. WEBSTER

CERTIFICATE OF SERVICE

On March 20, 2025, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas using the electronic case filing system of the court.

/s/Robert L. Webster
Robert L. Webster